

REMARKS

Claims 1 - 3, 7 - 10, 66 - 68 and 72 - 75 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the pending claims are allowable.

Claims 1 - 3, 8 - 10, 66 - 68 and 73 - 75 stand rejected under 35 U.S.C. § 102(b) as anticipated by WO 93/04724 to Brennan et al. ("Brennan").

Claim 1 recites a catheter comprising "a tubular body having a distal region" in combination with "a ring member encircling at least a portion of the circumference of the tubular body, the ring member being slidable along the tubular body" and "at least one elongate member having a proximal end and a distal end, the distal end of the elongate member being coupled to the distal region of the tubular body and *the proximal end being attached to the ring member.*"

As stated previously, Brennan describes a steerable stylet assembly consisting of a pull wire 12 extending through a lumen 13 of a tubular member 10 and attached to a distal tip 22 of the tubular member 10 at its distal end and to a lever 34 at its proximal end. Brennan clearly states that "[t]he pull wire extends within the housing 30 to be coupled mechanically to the lever 34 as illustrated more completely in Figures 2 and 3." (Brennan, pg. 11, ll. 28-30). Thus, the pull wire 12 does not include a "proximal end being attached to the ring member," as recited in claim 1.

The Examiner asserts that the "pull wire 12 is attached to lever 34, which is attached to ring member 32, thus pull wire 12 is attached at its distal end to ring member 32" (1/3/07 Office Action, pg. 2). Thus, it is respectfully submitted that the Examiner has conceded that no part of the pull wire 12 is attached to the ring member much less does Brennan illustrate or describe an elongate member having a "proximal end" attached to a ring member as recited in claim 1. Brenner states that the lever 34 is connected to a spring wire clip element 36, which are coupled to the slidable member 32 (*See* Brennen, pg.11, ll. 21-30). Accordingly, the lever 34 is not part of the slidable element 32 nor would one of skill in the art consider the lever 34 to be "a ring member encircling at least a portion of the circumference of the tubular body," as recited in claim 1.

Therefore, it is respectfully submitted that Brennan neither discloses nor suggests “at least one elongate member having a proximal end and a distal end, the distal end of the elongate member being coupled to the distal region of the tubular body and the proximal end being attached to the ring member,” as recited in claim 1. Because claims 2 - 3 and 8 - 10 depend from, and, therefore include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Furthermore, it is noted that claim 3 recites that the “elongate member passes between the ring member and the pair of openings *along the outer surface of the tubular body*.” It is respectfully submitted that this arrangement is directly contrary to that shown in Brennan. That is, Brennan shows the pull wire 12 extending through the lumen 13 to the lever 34. Even assuming the Examiner’s argument that the connection to the lever 34 constitutes a connection to the element 32 (which applicants contend is incorrect), the pull wire 12 of Brennan extends along the outside of the tubular member 10 only between the first and second openings 18 and 20, respectively. At all other times, the pull wire 12 is within the tubular body 10 and it is specifically within the tubular body 10 between the lever 34 and the opening 18 -- the opposite of the arrangement recited. Thus, it is respectfully submitted that claim 3 is further allowable for these additional reasons.

Claim 66 recites a catheter comprising “a first elongate member having a distal region” in combination with “a protruding member slidably coupled to the first elongate member and extending outward from an outer surface of the first elongate member” and “a second elongate member having a proximal end and a distal end, the distal end of the second elongate member being coupled to the distal region of the first elongate member and *the proximal end of the second elongate member being attached to the protruding member*.”

Claim 66 recites limitations substantially similar to claim 1 including “the proximal end of the second elongate member being attached to the protruding member” and it is respectfully submitted that claim 66 is allowable for the same reasons stated above with regard to claim 1. Because claims 67 - 68 and 73 - 75 depend from, and, therefore include all of the limitations of claim 66, it is respectfully submitted that these claims are also allowable.

Similarly to claim 3, claim 68 recites that the “elongate member passes between the protruding member and the pair of openings along the outer surface of the first elongate

member." Thus, it is respectfully submitted that claim 68 is further allowable for the same additional reasons stated above in regard to claim 3.

Claims 7 and 72 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Brennan in view of U.S. Patent No. 4,906,230 to Maloney et al. ("Maloney").


It is respectfully submitted that Maloney does not cure the above-described deficiencies of Brennan. Maloney discloses a catheter 110 which uses a string 138 to deflect a distal end of the catheter 110. However, Maloney never describes any structure coupled to a proximal end of the string 138. Thus, it is respectfully submitted that Maloney neither discloses nor suggests either the "proximal end [of the at least one elongate member] being attached to the ring member," as recited in claim 1 or the "the proximal end of the second elongate member being attached to the protruding member," as recited in claim 66.

Therefore, it is respectfully submitted that Brennan and Maloney, taken either alone or in combination, do not disclose or suggest the inventions recited in claims 1 and 66 and that these claims are allowable. Because claim 7 depends from claim 1 and claim 72 depends from claim 66, it is respectfully submitted that these claims are allowable for the same reasons.

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: 
Patrick J. Fay (Reg. No. 35,308)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
212-619-6000 - phone
212-619-0276 - facsimile